

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**GREGORY ELKINS**

**PETITIONER**

**V.**

**NO. 1:07CV162-M-D**

**STATE OF MISSISSIPPI**

**RESPONDENT**

**ORDER OVERRULING OBJECTIONS and ADOPTING REPORT AND  
RECOMMENDATION**

Petitioner, with the benefit of counsel, filed this matter pursuant to 28 U.S.C. § 2254. On November 4, 2008, Magistrate Judge Jerry A. Davis recommended that this matter be dismissed with prejudice. On November 19, 2008, Petitioner filed Objections to the Report and Recommendation. Consistent with claims asserted in the petition, the objections focus on two issues: (1) the admissibility of expert testimony from Tomiko Mackey, and (2) the inadmissibility of testimony from Rhett Burlage. Each of these claims were thoughtfully and thoroughly addressed in the Report and Recommendation.

Thus, the court finds that Petitioner's arguments are not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

(1) Petitioner's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

(2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;

(3) the claims are DISMISSED with prejudice;

(4) this matter is CLOSED.

SO ORDERED, this the 8<sup>th</sup> day of December, 2008.

**/s/ MICHAEL P. MILLS**  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF MISSISSIPPI**